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David Andrew Matthews

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EXAMINER

SHIH, HAOSHIAN

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/690,816	<b>Applicant(s)</b> MATTHEWS ET AL.	
	<b>Examiner</b> HAOSHIAN SHIH	<b>Art Unit</b> 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24,30 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24,30 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. Claims 1-24 and 30-31 are pending in this application and have been examined in response to application response filed on 05/26/2011.
2. Application effective date: 10/23/2003.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 13, 19 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
5. Claim 1 recites: "consisting of **all** commonly accessed OS specific menu items... **all** commonly accessed AP specific menu items" There is no mention in the original specification of having **all** commonly accessed OS and AP specific menu items. Thus, the limitation includes subject matter that was not described in the original specification.

Art Unit: 2173

If the examiner has overlooked the portion of the original specification that describes the feature of the present invention, then applicant should point it out (by page number and line number) in the response to this office action.

Claims 13, 19 and 30 are rejected similarly as claim 1 above.

6. Claim 13, 19 and 30 recite: "...expanding access **only** to other OS specific menu items" There is no mention in the original specification of expanding access **only** to other OS specific menu items. Thus, the limitation includes subject matter that was not described in the original specification.

If the examiner has overlooked the portion of the original specification that describes the feature of the present invention, then applicant should point it out (by page number and line number) in the response to this office action.

Applicant may obviate this rejection by canceling the claims.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2173

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**8. Claims 1-2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft XP operating system (XP).**

9. As to **INDEPENDENT** claim 1, XP discloses a computer system having a processor, memory, and data storage subsystems, and a computer generated graphical user interface (GUI) for accepting user input commands, the computer generated GUI comprising: a first area containing a compact listing of menu item (pg.1 menu items such as "Internet", "E-mail" and "Calculator" are displayed in the first area), the first area further comprising:

An operating system (OS) section consisting of all commonly accessed OS specific menu items of the computer generated GUI (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to all operating specific items including commonly accessed OS items, wherein the commonly accessed OS items are preset by the OS); and

an application program (AP) section consisting of all commonly accessed AP specific menu items of the computer generated GUI and a single AP menu item expanding access to other AP specific items (pg.1, pg.5, pg.8; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items),

wherein the OS section is grouped completely separately from the AP section (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items by dividing lines surrounding the OS section); and

a second area that includes an icon selected from a set of icons based on a location of a pointer relative to an associated OS menu item (pg.4, a specific icon area to the left of the OS menu item "Control Panel" is emphasized based on a pointer selection);

wherein the GUI is part of an operating system shell (pg.1, the XP start menu is a part of the Windows XP operating system shell). XP does not specifically disclose the AP menu item expanding access to only other AP specific items.

In the same field of endeavor, XP discloses a customizable AP menu, allowing access to only application program items (pg.8; items in the "All programs" menu are customizable, allowing them to be added, deleted and sorted).

It would have been obvious to one of ordinary skill in the art, to customize AP menu to display only application program items taught with the motivation being to customize the menu items in accordance with user preference.

10. As to claim 2, XP discloses wherein the first area is a start menu (pg.2).

Art Unit: 2173

11. As to claim 12, XP discloses wherein the icon is located immediately adjacent to the start menu (pg.1).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**13. Claims 3-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of YZ dock.**

14. As to claims 3, XP does not disclose wherein the icon is an animated icon.

In the same field of endeavor, YZ dock discloses wherein the icon is an animated icon (pg.1-3; the icons are animated based on user interactions).

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and YZ dock before him at the time the invention was made, to modify the menu item interface taught by XP to include an animated selection emphasis taught by YZ dock with the motivation being to provide an interactive cue to capture/retain user's attention.

Art Unit: 2173

15. As to claim 4, YZ dock discloses wherein the animated icon appears as hovering over at least a portion of the second area (pg.1, the icon that represents System information appears to be hovering over the gray area behind the icon).

16. As to claim 5, YZ dock discloses wherein the animated icon is three-dimensional in appearance (pg.1, the icon that represents System information has the appearance of height, width and length).

17. As to claim 6, XP discloses [a menu item] located in the operating system shell (pg.3). YZ dock discloses wherein the hovering of the animated icon comprises a three-dimensional appearing object (pg.1).

18. As to claim 7, YZ dock discloses the animated icon further appears reflected in the start menu to give a further three-dimensional hovering effect (pg.1, the different shadings on the icons gives sense of a light source reflecting off the icons) .

19. As to claim 8, YZ dock discloses wherein the animated icon appears as rocking from side-to-side (pg.1, pg.2; the icon rocks from one side to another side).

20. As to claim 10, XP discloses wherein the icon is contextually related to an item in the start menu over which the pointer is located (pg.2; the icon “e” is contextually related



Art Unit: 2173

to the menu item "Internet Explorer"). YZ dock disclose wherein the [icon is] animated (pg.1-2).

21. As to claim 11, YZ dock discloses wherein the contextually related icon provides an indication of an action that will occur if the menu item is selected (pg.1-2; the icon rocks up and down to confirm a user selection).

**22. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over XP, YZ dock and in view of Rosendahl et al. (Rosendahl, US Patent 5,452,414).**

23. As to claim 9, XP and YZ dock do not disclose the animated icon rotates in response to real-time movement of the pointer.

In the same field of endeavor, Rosendahl discloses the icon rotates in response to real-time movement of the pointer (col 4, line 13-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and YZ dock and the teaching of Rosendahl in order to provide additional information associated with the icon (Rosendahl, col.1, lines 60-64).

Art Unit: 2173

**24. Claims 13-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner et al. (Gardner, US 7,003,734) and in further view of Rosendahl.**

25. As to **INDEPENDENT** claim 13, XP discloses a computer-implemented method using processor, memory, and data storage subsystems for providing visual feedback in a graphical user interface (GUI) having a menu comprising a compact listing of displayed menu items, each menu item being associated with an icon different in appearance from the associated menu item, comprising the steps of: receiving a first user input that causes a pointer to be located over an operating system section (OS), the OS section consisting of all commonly accessed OS specific menu items of the GUI and a single menu OS item expanding access only to other OS specific menu items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to all operating specific items including commonly accessed OS items);

Receiving a second user input that causes the pointer to be located over a an application program section (AP), the AP section consisting of all commonly accessed AP specific menu items of the GUI and a single AP menu item expanding access only to other AP specific menu items (pg.1, pg.5, pg.7; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu

Art Unit: 2173

item expands access to other application specific items, and items in the "All programs" menu are customizable, allowing them to be added, deleted and sorted);

the GUI is part of an operating system shell organized into a tree-structural hierarchy (pg.1,pg.4; the XP start menu is a part of the Windows XP operating system shell in a tree structural);

The associated icon provides an indication of an action that will occur if the displayed OS or AP menu item is selected (pg.2, selecting the internet explorer will launch a browser to browse the internet); and

The OS section is grouped completely separately from the AP section (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items such as "Internet Explorer", "Adobe Acrobat..." and "SnagIt 7" by a plurality of dividers/lines).

XP does not disclose the AP menu item expanding access to only other AP specific items; in response to the first user input, displaying in a first distinct area of the graphical user interface an icon associated with that OS specific menu item located by the first user input; in response to the second user input, displaying in a second distinct area of the graphical user interface an icon associated with that AP specific menu item located by the second user input; the first distinct area and the second distinct area do not overlap the OS or AP menu item located by the first or second user input, respectively;

In the same field of endeavor, XP discloses a customizable AP menu, allowing access to only application program items (pg.8; items in the "All programs" menu are customizable, allowing them to be added, deleted and sorted).

It would have been obvious to one of ordinary skill in the art, to customize AP menu to display only application program items taught with the motivation being to customize the menu items in accordance with user preference.

In the same field of endeavor, Gardner discloses in response to the first user input, displaying in a first distinct area of the graphical user interface an icon associated with that OS specific menu item located by the first user input, wherein the first distinct area remains in a fixed position relative to the pointer upon movement of the pointer (fig.3, "100", "120"; col.6, lines 38-42); in response to the second user input, displaying in a second distinct area of the graphical user interface an icon associated with that AP specific menu item located by the second user input (fig.3, "100", "120"; col.6, lines 38-42); the second distinct area remains in a fixed position relative to the pointer upon movement of the pointer (col.6, lines 23-29; the iconic imagery is activated as long as the pointer is within the area of the designated hotspot); and the first distinct area and the second distinct area do not overlap the OS or AP menu item located by the first or second user input, respectively (fig.3, "80", "120"; the displayed iconic imagery "120" is separated from the menu "80").

Art Unit: 2173

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and the teaching of Gardner before him at the time the invention was made, to modify the menu item interface taught by XP to include a hot spot sub area selection emphasis taught by Gardner with the motivation being to provide additional visually perceivable information to capture/retain user's attention (Gardner, col.3, lines 48-52), XP and Gardner do not specifically disclose movement of the icon associated with that OS specific menu item is generated in real time in response to movement of the pointer; and movement of the icon associated with that AP specific menu item is generated in real time in response to movement of the pointer.

In the same field of endeavor, Rosendahl discloses movement of the icon associated with the menu item is generated in real time in response to movement of the pointer (col 4, line 06-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and Gardner and the teaching of Rosendahl in order to provide additional information associated with the icon (Rosendahl, col.1, lines 60-64).

26. As to claim 14, Gardner discloses wherein the icon is an animated icon (col.6, lines 41-43).

Art Unit: 2173

27. As to claim 15, XP discloses wherein the menu is a start menu (pg.2).

28. As to claims 16, XP discloses wherein the icon is contextually related to the icon's associated menu item in the start menu (pg.2; the icon "e" is contextually related to the menu item "Internet Explorer"). Gardner disclose wherein the [icon is] animated (col.6, lines 41-43).

29. As to claim 18, XP discloses wherein the icon is a predefined object type in the shell namespace, wherein the shell namespace organizes a file system of the operating system shell into a single tree-structure hierarchy (pg.1,pg.6). Gardner disclose wherein the [icon is] animated (col.6, lines 41-43).

**30. Claims 19-22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner.**

31. As to **INDEPENDENT** claim 19, XP discloses a computer-readable storage medium having computer-executable instructions for providing visual feedback in a graphical user interface (GUI) having a menu comprising a plurality of displayed menu items, each menu item being associated with an icon different from the associated menu item, by performing the steps comprising: receiving user input that causes a pointer to be located over a menu item, (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are

Art Unit: 2173

group separately from application program specific items such as "Internet Explorer", "Adobe Acrobat..." and "SnagIt 7" by a plurality of dividers/lines), the menu further comprising:

An operating system (OS) section consisting of all commonly accessed OS specific menu items of the GUI and a single OS menu item expanding access only to other OS specific menu items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to all operating specific items including commonly accessed OS items); and

an application program (AP) section consisting of all commonly accessed AP specific menu items and a single AP menu item expanding access only to other AP specific menu items (pg.1, pg.5, pg.7; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items, and items in the "All programs" menu are customizable, allowing them to be added, deleted and sorted),

wherein the OS section is grouped completely separately from the AP section (pg.1, operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are group separately from application program specific items such as "Internet Explorer", "Adobe Acrobat..." and "SnagIt 7" by a plurality of dividers/lines); and

wherein the GUI is part of an operating system shell (pg.1, the XP start menu is a part of the Windows XP operating system shell).

XP does not disclose the AP menu item expanding access to only other AP specific items; .in response to the user input, displaying the icon associated with the pointer-located displayed menu item in a distinct area of the GUI; wherein the distinct area does not overlap the pointer-located displayed menu item

In the same field of endeavor, XP discloses a customizable AP menu, allowing access to only application program items (pg.8; items in the "All programs" menu are customizable, allowing them to be added, deleted and sorted).

It would have been obvious to one of ordinary skill in the art, to customize AP menu to display only application program items taught with the motivation being to customize the menu items in accordance with user preference.

In the same field of endeavor, Gardner discloses in response to the user input, displaying the icon associated with the pointer-located displayed menu item in a distinct area of the GUI (fig.3, "100", "120"; col.6, lines 38-42); wherein the distinct area does not overlap the pointer-located displayed menu item (fig.3, "80", "120"; the displayed iconic imagery "120" is separated from the menu "80").

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and the teaching of Gardner before him at the time the invention was made, to modify the menu item interface taught by XP to include a hot spot sub area selection emphasis



Art Unit: 2173

taught by Gardner with the motivation being to provide additional visually perceivable information to capture/retain user's attention (Gardner, col.3, lines 48-52).

32. As to claim 20, Gardner discloses wherein the icon is an animated icon (col.6, lines 41-43).

33. As to claim 21, XP discloses wherein the menu is a start menu (pg.2).

34. As to claim 22, XP discloses wherein the icon is contextually related to the icon's associated menu item in the start menu (pg.2; the icon "e" is contextually related to the menu item "Internet Explorer"). Gardner disclose wherein the [icon is] animated (col.6, lines 41-43).

35. As to claim 24, XP discloses wherein the icon is a predefined object type in the operating system shell (pg.6). Gardner disclose wherein the [icon is] animated (col.6, lines 41-43).

**36. Claim 17 is rejected under 335 U.S.C. 103(a) as being unpatentable over XP in view of Gardner and in further view of Rosendahl and Viellescaze et al. (Viellescaze, US 2004/0179043 A1).**

Art Unit: 2173

37. As to claim 17, XP, Gardner and Rosendahl do not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated “agent” can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP, Gardner and Rosendahl and the teaching of Viellescaze in order to provide an interactive interface in order to capture/retain user’s attention (Viellescaze, [0001]).

**38. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner and in further view of Viellescaze.**

39. As to claim 23, XP and Gardner do not disclose the wherein the displaying step further comprises an introduction animation element that causes the animated icon to

Art Unit: 2173

move and flip; a looping animation; and an ending animation that changes the icon back to its original appearance.

In the same field of endeavor, Viellescaze discloses displaying step further comprises an introduction animation element that causes the animated icon ([0049], the dimension of the animated “agent” can be reduced to the size of an icon) to move and flip ([0195], the animated icon is associated with a series predefined movements); a looping animation ([0205]); and an ending animation that changes the icon back to its original appearance ([0216]).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and Gardner and the teaching of Viellescaze in order to provide an interactive interface in order to capture/retain user’s attention (Viellescaze, [0001]).

**40. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over XP in view of Gardner and in further view of Rosendahl and Edelsbrunner (US 5,850,229 B1).**

41. As to **INDEPENDENT** claim 30, XP discloses one or more computer readable storage media containing computer readable instructions embodied thereon that, when

Art Unit: 2173

executed by a computing device, provide for providing, as part of an operating system shell, a computer generated graphical user interface (GUI) for accepting user input commands, said GUI comprising:

a pointer for selecting menu items and icons (pg.2, a cursor selecting a menu item "Internet Explorer");

a start menu divided into a compact listing of discrete sections, a first discrete section consisting of all commonly accessed operating system (OS) specific menu items of the GUI and a single OS menu item expanding access only to other OS specific items (pg.1, pg.4; operating system specific menu items such as "Control Panel", Set Program Access and Def..." and "Printers and Faxes" are displayed, wherein the "Control Panel" menu item expands access to all operating specific items including commonly accessed OS items), the first discrete section grouped separately from a second discrete section consisting of all commonly accessed application program (AP) specific menu items of the GUI and a single AP menu item expanding access only to all other AP specific menu items (pg.1, pg.5, pg.7; application specific menu items such as "Internet Explorer" and "Adobe Acrobat..." are displayed, wherein "All programs" menu item expands access to other application specific items, and items in the "All programs" menu are customizable, allowing them to be added, deleted and sorted);

XP does not disclose the AP menu item expanding access to only other AP specific items; wherein the icon is displayed in a different, non-overlapping discrete section from its corresponding OS menu item or the AP menu item; an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges

Art Unit: 2173

rotating, and the animated three-dimensional appearing icon changes appearance based on the OS menu item or the AP menu item over which the pointer is located; and wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first OS or AP menu item is selected, and further morphs into a second appearance when the pointer moves over a second OS or AP menu item to provide an animated indication of a second action that will occur if the second OS or AP menu item is selected.

In the same field of endeavor, XP discloses a customizable AP menu, allowing access to only application program items (pg.8; items in the "All programs" menu are customizable, allowing them to be added, deleted and sorted).

It would have been obvious to one of ordinary skill in the art, to customize AP menu to display only application program items taught with the motivation being to customize the menu items in accordance with user preference.

In the same field of endeavor, Gardner discloses wherein the icon is displayed in a different, non-overlapping discrete section from its corresponding OS menu item or the AP menu item (fig.3, "80", "120"; the displayed iconic imagery "120" is separated from the menu "80").

Art Unit: 2173

It would have been obvious to one of ordinary skill in the art, having the teaching of XP and the teaching of Gardner before him at the time the invention was made, to modify the menu item interface taught by XP to include a hot spot sub area selection emphasis taught by Gardner with the motivation being to provide additional visually perceivable information to capture/retain user's attention (Gardner, col.3, lines 48-52).

XP and Gardner do not specifically disclose an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating, and the animated three-dimensional appearing icon changes appearance based on the OS menu item or the AP menu item over which the pointer is located; and wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first OS or AP menu item is selected, and further morphs into a second appearance when the pointer moves over a second OS or AP menu item to provide an animated indication of a second action that will occur if the second OS or AP menu item is selected.

In the same field of endeavor, Rosendahl discloses an animated three-dimensional appearing icon that moves side-to-side so that the users can see the edges rotating, wherein the animated three-dimensional appearing icon provides an animated indication of a first action that will occur if a first OS or AP menu item is selected, and to provide an animated indication of a second action that will occur if the second OS or AP menu item is selected (col.3, lines 39-41; col.4, lines 16-19; a selected icon that is

Art Unit: 2173

associated with a particular menu item rotates to provide user with information/actions associated with the selected icon); the animated three-dimensional appearing icon changes appearance based on the OS menu item or the AP menu item over which the pointer is located (col.3, lines 63- col.4 lines 2; the orientation of the selected menu item is changed based on direct pointer manipulation).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and the teachings of Rosendahl in order to provide additional information associated to the icon (Rosendahl, col.1, lines 60-64).

XP and Rosendahl do not specifically disclose morphing into a second appearance when the pointer moves over a second OS or AP menu item.

In the same field of endeavor, Edelsbrunner discloses morph[ing from one object to another object] (col.1, lines 19-30).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of XP and Rosendahl and the teaching of Trika in order to provide a smooth transition between different on screen objects.

Art Unit: 2173

42. As to claim 31, Rosendahl discloses wherein the three-dimensional appearing icon moves side to side in response to a real-time movement of the pointer (col 4, line 06-15).

***Response to Arguments***

43. Applicant's arguments filed 05/26/2011 have been fully considered but they are not persuasive.

44. Applicant argues XP does not disclose an operating system section consisting of all commonly accessed operating system menu items; a single operating system menu item expanding access only to other operating system menu items; and a single application program menu item expanding access only to other application program menu items.

In response to applicant's argument, the limitations are not supported by the spec., thus not addressed. See U.S.C. 112, first paragraph rejection, par. 5 and par.6 of office action.

45. Applicant argues Gardner does not disclose that the movement of the icon is generated in real time in response to the movement of the pointer.



Art Unit: 2173

In response to applicant's argument, Applicant's argument has been considered but is moot in view of the new ground(s) of rejection.

46. Applicant argues Rosendahl does not disclose an icon moving side to side.

In response to applicant's argument, Rosendahl discloses the icon moves from one side to another side as it rotates (col 4, line 06-15).

### ***Conclusion***

47. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HAOSHIAN SHIH whose telephone number is (571)270-1257. The examiner can normally be reached on m-f 0730-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kieu Vu can be reached on (571) 272-4057. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HSS/

/Alvin H Tan/  
Primary Examiner, Art Unit 2172